**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 18602 of 2004**

Between:

K.R.Chary S/o Ramanna
APSRTC Resident of Banancheruvu Palli, Mallameedapalli Post,
Gandlapenta Mandal, Ananthapur District.

**..... PETITIONER**

AND

1 The Depot Manager, APSRTC.,

Dharmavaram Depot , Dharmavaram,
Ananthapur district.

2 The Divisional Manager, APSRTC,

Hindupur Division, Hindupur,
Ananthapur distirct.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction, more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the proceedings bearing No.01/2(16)2000-DVRM dt. 27/08/2001 of the 1st Respondent as illegal, arbitrary inviolation of principles of natural Justice and inviolation of Arts. 14 and 21 of the Constitution of India and consequently direct the respondents to add two annual increments to the pay of the petitioner and repay the fine of Rs 1000/-forthwith.

**Counsel for the Petitioner : S.SURENDRA KUMAR**

**Counsel for the Respondents : MR.P.VINAYAKA SWAMY**

**The Court at the stage of admission made the following :**

**ORDER:**

The petitioner is working as a Driver in the respondent- Corporation. A charge memo was issued to him for causing accident while driving a bus on 28-11-2000. The petitioner submitted his explanation. The grievance of the petitioner is that the respondent without considering the circumstances explained by him through his explanation and without conducting any enquiry, passed the impugned order stopping two annual increments with cumulative effect and imposing penalty of Rs.1,000/-. The petitioner therefore approached this Court through this writ petition to declare the proceedings of the first respondent dated 17-08-1996 and 09-11-2000 as illegal, arbitrary and violative of the principles of natural justice.

The petitioner contends that the punishment imposed on him is a major penalty. It cannot be imposed without conducting any enquiry. The first respondent without conducting any enquiry imposed the said punishment. Therefore, it amounts to violation of the rules as well as the principles of natural justice. The respondents did not place any material to show whether any enquiry was conducted subsequent to the explanation filed by the petitioner. In the absence of such material, it has to be held that the first respondent failed to follow the procedure prescribed under the rules and regulations. Therefore, the impugned order dated 27-08-2001 is not sustainable under law.

Having regard to the facts and circumstances of the case, I am inclined to modify the punishment of stoppage of two increments with cumulative effect imposed on the petitioner into one of stoppage of two increments without cumulative effect.

The Writ Petition is accordingly disposed of. No order as to costs.

_____ Dr. G. Yethirajulu, J.

Dt:12th October, 2004.

RNS.

To

1 The Depot Manager, APSRTC.,

Dharmavaram Depot , Dharmavaram,
Ananthapur district.

2 The Divisional Manager, APSRTC,

Hindupur Division, Hindupur,
Ananthapur distirct.

3 Two CD copies.